

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

HENRY TIMBERLAKE DUNCAN,

Plaintiff,

v.

CIVIL ACTION NO. 3:18-01355

EXECUTIVE DIRECTOR DAVID FARMER,
et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant the Motion to Dismiss of Defendant Zxavian D. Martin (ECF No. 254); dismiss, with prejudice, the third amended complaint against Zxavian D. Martin; and remove Zxavian D. Martin as a defendant in this civil action. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **GRANTS** the Motion to Dismiss of Defendant Zxavian D. Martin (ECF No. 254); **DISMISSES**, with prejudice, the third amended complaint against Zxavian D. Martin; and **REMOVES** Zxavian D. Martin as a defendant in this civil action, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: August 19, 2020

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE